

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 4, 2009

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 62 members present.

Absent and excused – Bedke, Black, Block, McGeachin,
Schaefer, Shepherd(08), Wills, Wood(27). Total – 8.
Total – 70.

Prayer was offered by Pastor Gary Moore.

The Pledge of Allegiance was led by Danielle Schmidt, Page.

Approval of Journal

February 4, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have read and approved
the House Journal of the Twenty-third Legislative Day and
recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by
Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate

February 3, 2009

Mr. Speaker:

I transmit herewith [S 1009](#), [S 1011](#), and [S 1013](#) which have
passed the Senate.

WOOD, Secretary

[S 1009](#), [S 1011](#), and [S 1013](#) were filed for first reading.

February 3, 2009

Mr. Speaker:

I return herewith enrolled [HCR 6](#) which has been signed by
the President.

WOOD, Secretary

Enrolled [HCR 6](#) was referred to the Judiciary, Rules, and
Administration Committee for delivery to the Secretary of State.

Report of Standing Committees

February 4, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND
ADMINISTRATION, report that we have printed [H 53](#), [H 54](#),
[H 55](#), and [H 56](#).

CLARK, Chairman

[H 53](#) and [H 54](#) were referred to the Transportation and
Defense Committee.

[H 55](#) was referred to the Health and Welfare Committee.

[H 56](#) was referred to the Commerce and Human Resources
Committee.

February 3, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that
we have had under consideration [H 28](#) and recommend that it do
pass.

LOERTSCHER, Chairman

[H 28](#) was filed for second reading.

February 3, 2009

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report
that we have had under consideration [H 32](#) and report it back
with amendments attached to be placed on General Orders for
consideration.

LOERTSCHER, Chairman

[H 32](#) was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh
Order of Business.

Motions, Memorials, and Resolutions

HOUSE CONCURRENT RESOLUTION NO. 9 BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND
REJECTING CERTAIN RULES OF THE DIVISION
OF VOCATIONAL REHABILITATION RELATING TO
RULES OF THE IDAHO DIVISION OF VOCATIONAL
REHABILITATION.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject
executive agency rules under the provisions of Section 67-5291,
Idaho Code, in the event that the Legislature finds that the rules
are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain
rules of the Division of Vocational Rehabilitation relating to
Rules of the Idaho Division of Vocational Rehabilitation are not
consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members
of the First Regular Session of the Sixtieth Idaho Legislature,
the House of Representatives and the Senate concurring therein,
that IDAPA 47.01.01, rules governing Rules of the Idaho

Division of Vocational Rehabilitation, Section 100, relating to Client/Participant Appeals, Subsections 01, 02 and 03, the stricken language only, and Section 301, relating to Transparency, Rules of the Division of Vocational Rehabilitation, adopted as pending rules under Docket Number 47-0101-0801, be, and the same are hereby rejected and declared null, void and of no force and effect.

HCR 9 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference
of Bills and Joint Resolutions**

**HOUSE BILL NO. 57
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING SECTION 33-1228, IDAHO CODE, TO PROVIDE THAT PUBLIC SCHOOL EMPLOYMENT SHALL BE DEFINED TO INCLUDE THE EMPLOYEES OF THE IDAHO DIGITAL LEARNING ACADEMY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-5503, IDAHO CODE, TO REVISE THE MAKEUP OF THE IDAHO DIGITAL LEARNING ACADEMY BOARD OF DIRECTORS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-5504A, IDAHO CODE, TO REVISE STATUTORY PROVISIONS REGARDING THE IDAHO DIGITAL LEARNING ACADEMY CONCERNING SICK LEAVE AND SEVERANCE ALLOWANCE AT RETIREMENT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 58
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION; AMENDING SECTION 33-202, IDAHO CODE, TO PROVIDE THAT THE PARENT OR GUARDIAN OF ANY CHILD RESIDENT IN THIS STATE WHO HAS NOT ATTAINED THE AGE OF EIGHTEEN YEARS SHALL CAUSE SUCH CHILD TO BE INSTRUCTED IN SUBJECTS COMMONLY AND USUALLY TAUGHT IN THE PUBLIC SCHOOLS OF THIS STATE AND TO PROVIDE FOR EXCEPTIONS; AMENDING SECTION 33-207, IDAHO CODE, TO PROVIDE THAT WHENEVER THE PARENTS OR GUARDIANS OF ANY CHILD BETWEEN THE AGES OF SEVEN AND EIGHTEEN YEARS HAVE FAILED, NEGLECTED OR REFUSED TO PLACE SUCH CHILD IN SCHOOL OR TO HAVE SUCH CHILD COMPARABLY INSTRUCTED OR KNOWINGLY HAVE ALLOWED A PUPIL TO BECOME AN HABITUAL TRUANT, CERTAIN PROCEEDINGS SHALL BE BROUGHT AGAINST SUCH PARENT OR GUARDIAN AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 59
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO COMPENSATION OF VICTIMS OF CRIMES; AMENDING SECTION 19-5307, IDAHO CODE, TO PROVIDE THAT A CERTAIN FELONY BE INCLUDED

IN THE LIST OF CRIMES OF VIOLENCE THAT QUALIFY FOR A MONETARY FINE.

**HOUSE BILL NO. 60
BY JUDICIARY, RULES, AND ADMINISTRATION
COMMITTEE
AN ACT**

RELATING TO WITNESSES IN CRIMINAL PROCEEDINGS; AMENDING CHAPTER 30, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3004A, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO ADMINISTRATIVE SUBPOENAS FOR CERTAIN RECORDS AND INFORMATION ISSUED TO A PROVIDER OF ELECTRONIC COMMUNICATION SERVICE OR A PROVIDER OF A REMOTE COMPUTING SERVICE BY THE PROSECUTING ATTORNEY OR ATTORNEY GENERAL.

**HOUSE BILL NO. 61
BY APPROPRIATIONS COMMITTEE
AN ACT**

RELATING TO FINANCING THE FUNCTIONS OF STATE GOVERNMENT; PROVIDING A SHORT TITLE; DECLARING LEGISLATIVE INTENT REGARDING GENERAL FUND REVENUES AND EXPENDITURES FOR FISCAL YEAR 2009; TRANSFERRING FUNDS FROM THE PUBLIC EDUCATION STABILIZATION FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE CAPITOL ENDOWMENT INCOME FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE AQUIFER PLANNING AND MANAGEMENT FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE PERMANENT BUILDING FUND TO THE GENERAL FUND; TRANSFERRING FUNDS FROM THE CONSUMER PROTECTION FUND TO THE GENERAL FUND; REDUCING THE APPROPRIATION TO AGENCIES AND INSTITUTIONS FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO AGENCIES FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO AGENCIES AND INSTITUTIONS FOR EMPLOYER HEALTH INSURANCE COSTS FOR FISCAL YEAR 2009; LIMITING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE LEGISLATIVE FUND; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 62
BY STATE AFFAIRS COMMITTEE
AN ACT**

RELATING TO LOBBYIST EXPENDITURES; AMENDING SECTION 67-6619, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN ANNUAL, SEMIANNUAL AND MONTHLY PERIODIC REPORTS AND TO DELETE A REQUIREMENT THAT A CERTAIN THRESHOLD BE ADJUSTED BIENNIALY.

**HOUSE BILL NO. 63
BY REVENUE AND TAXATION COMMITTEE
AN ACT**

RELATING TO FLOATING HOMES; AMENDING SECTION 55-2704, IDAHO CODE, TO REVISE THE DEFINITION OF "FLOATING HOME"; AND AMENDING SECTION 63-201, IDAHO CODE, TO REVISE THE DEFINITION OF "FLOATING HOME" AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 64
BY REVENUE AND TAXATION COMMITTEE
AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE AND TO PROVIDE THAT THE ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS DOES APPLY; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND RETROACTIVE EFFECTIVE DATES.

[H 57](#), [H 58](#), [H 59](#), [H 60](#), [H 61](#), [H 62](#), [H 63](#), and [H 64](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1009](#), by Education Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1011](#) and [S 1013](#), by Education Committee, were introduced, read the first time by title, and referred to the State Affairs Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 35](#) and [H 36](#), by Agricultural Affairs Committee, were read the second time by title and filed for third reading.

[H 22](#), by State Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Thursday, February 5, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:15 a.m.

LAWERENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk